

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

WIRTGEN AMERICA, INC.,

Plaintiff,

v.

CATERPILLAR, INC.,

Defendant.

Case No. 1:17-cv-00770-JDW

ORDER

AND NOW, this 11th day of December, 2023, it is **ORDERED** that Paragraphs 13-15 of the Scheduling Order (D.I. 28) are **VACATED**.

It is **FURTHER ORDERED** as follows:

1. No later than January 12, 2024, counsel for each party shall exchange a list identifying each exhibit the party expects to offer at trial, and each witness the party may and will call at trial;
2. All motions *in limine* shall be filed on or before January 19, 2024. Responses, if any, shall be filed no later than February 2, 2024. Given the proximity to trial, the Court will not permit Replies.
3. No later than January 26, 2024, each party shall submit proposed jury questions for *voir dire* via e-mail in Word format to Chambers_of_Judge_Wolson@paed.uscourts.gov with "*voir dire* questions" in the subject line;

4. No later than January 26, 2024, each party shall submit a proposed jury verdict sheet;

5. No later than January 26, 2024, the Parties shall file proposed jury instructions on substantive issues with an electronic copy e-mailed in Word format to Chambers_of_Judge_Wolson@paed.uscourts.gov with "jury instructions" in the subject line. Proposed jury instructions should be submitted as a joint submission, and for any instructions on which the Parties do not agree, plaintiff's proposal shall be in italics and defendant's submission shall be in bold, with citations to the sources of law upon which each proposed instruction is based;

6. No later than January 29, 2024, the parties shall file a pretrial order. The Parties shall include in their pretrial order all information required by Fed. R. Civ. P. 26(a)(3) and Local Rule of Civil Procedure 16.3(c);

7. On or before February 5, 2024, the Parties shall submit to the Court all exhibits that the Parties intend to use at trial. If the Parties intend to present evidence electronically, then the exhibits shall be submitted electronically (on a memory stick, CD, or DVD) with each exhibit as a separate file. If the Parties do not intend to present evidence electronically, then the exhibits shall be submitted in a binder, with each exhibit separately tabbed. Exhibits shall be consecutively numbered (*i.e.*, Ex. 1, Ex. 2, etc., rather than P-1, P-2, etc. and D-1, D-2, etc.), and the Parties must confer in advance of the submission to eliminate duplication in the exhibits that they submit. The exhibits must be

accompanied by a table of contents that lists each exhibit and sets forth whether there is an objection to the admission of the document in evidence at the trial and the basis for any such objection;

8. A final pretrial conference will be held on February 8, 2024 at 10:00 a.m. in Chambers Room 12613, United States District Court, 601 Market Street, Philadelphia, PA 19106. Counsel shall be prepared to discuss any pending *motions in limine*, objections to witnesses and exhibits, any stipulations of uncontested facts, how much time each Party needs for trial, and whether the Court should impose any time-limits; and

9. Counsel for all Parties shall refer to Judge Wolson's Policies and Procedures regarding all matters of correspondence with the Court.

BY THE COURT:

/s/ Joshua D. Wolson

JOSHUA D. WOLSON, J.